

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING

OF
TUESDAY, APRIL 28, 1987
AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Jones at 9:38 a.m. and immediately recessed to convene as the Redevelopment Agency and the Special Joint Meeting with the Redevelopment Agency. The meeting was reconvened by Mayor O'Connor at 10:57 a.m. with all Council members present. The meeting was recessed by Mayor O'Connor at 11:58 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with Council Members Cleator, Jones, and Ballesteros not present. Mayor O'Connor adjourned the meeting at 3:17 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Cleator-present
 - (3) Council Member McColl-present
 - (4) Council Member Jones-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Gotch-present
 - (7) Council Member McCarty-present
 - (8) Council Member Ballesteros-present
- Clerk-Abdelnour (jb;mp)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-not present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Ballesteros-present

ITEM-202:

Two actions relative to a rezoning extension of time:
(See Planning Department Report PDR-87-120.
Case-87-0102/EOT1. Sorrento Hills Community Area.
District-1.)

Subitem-A: (O-87-184) INTRODUCED, TO BE ADOPTED MAY 11,
1987

Introduction of an Ordinance amending Section 1 of
Ordinance O-16133 (New Series), adopted January 23, 1984,
incorporating a portion of Lots 1, 2, and 3, Section 31,
Township 14 South, Range 3 West, S.B.B.M., located on the
east side of I-5, between Carmel Valley and Sorrento Valley
Roads, into M-IP Zone; extension of time to February 22,
1990.

Subitem-B: (R-87-1947) ADOPTED AS RESOLUTION R-268236

Adoption of a Resolution certifying that the information
contained in Environmental Impact Report EIR-83-0167, an
addendum to EIR-81-12-33, has been completed in compliance
with the California Environmental Quality Act of 1970, as
amended, and State guidelines, and has been reviewed and
considered by the Council.

FILE LOCATION:

Subitem A--;

Subitem B ZONE ORD. NO.

COUNCIL ACTION: (Tape location: B676-C050.)

MOTION BY WOLFSHEIMER TO INTRODUCE SUBITEM A AND ADOPT SUBITEM
B. Second by Cleator. Passed by the following vote:
Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea,
Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor
O'Connor-yea.

ITEM-310: (R-87-2105) ADOPTED AS RESOLUTION R-268237

Authorizing a suggestion award and making a presentation to
James Meyer - Utilities Department - \$1,000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B626-675.)

MOTION BY GOTCH TO ADOPT. Second by Ballesteros. Passed by the
following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea,
Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea,
Ballesteros-yea, Mayor O'Connor-yea.

ITEM-311:

Two actions relative to authorizing suggestion awards to the following employees:

Subitem-A: (R-87-2106) ADOPTED AS RESOLUTION R-268238

Jack Salfen - Water Utilities Department - \$160.

James Bolen - Police Department - \$160.

Carmen Lutes - Building Inspection Department - \$123.93.

Subitem-B: (R-87-2107) ADOPTED AS RESOLUTION R-268239

Ross Kerns - Park and Recreation Department - \$80.

Nancy Rand - Water Utilities Department - \$25.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B626-675.)

MOTION BY GOTCH TO ADOPT. Second by Ballesteros. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-330: CONTINUED TO MAY 19, 1987, AT 10:00 A.M.

Appeal of Mr. and Mrs. Dennis Sonner, by Donald R. Worley, Esq., from the decision of the Planning Commission in denying Tentative Map TM-85-0695 (Sonner Parcel Map), for a land division proposing to subdivide a 0.81-acre site into two lots for a residential development. The subject property is located on the west side of San Geronio Street, between Kellogg Street and Navy property. The subject property is further described as Lot 2 of Christopher Heights, Map-3409, in Zone R1-10000, in the Peninsula Community Plan area.
(TM-85-0695. District-2.)

Subitem-A: (R-87-)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-85-0695 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-87-)

Adoption of a Resolution granting or denying the appeal and the map with appropriate findings to support Council

action.

FILE LOCATION: SUBD - Christopher Heights, Map-3409

COUNCIL ACTION: (Tape location: C051-070.)

MOTION BY CLEATOR TO CONTINUE TO MAY 19, 1987, AT 10:00 A.M., AT DONALD WORLEY'S REQUEST. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-331: (O-87-181) INTRODUCED AND ADOPTED AS ORDINANCE
O-16850 (New Series)

(Continued from the meeting of April 7, 1987, Item 336, due to the continuance of the first hearing.)

Introduction and adoption of an Ordinance amending Ordinance O-16678 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1986-87 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-16678-1, as amended and adopted therein, by creating a new division entitled "Special Projects Division" (70710) within the Water Utilities Department (700); adding to the Personnel Authorization of the Water Utilities Department (700), Special Projects Division (70710) five positions consisting of Deputy Director, Senior Civil Engineer, Associate Civil Engineer, Administrative Aide II and Work Processing Operator; transferring the sum of \$128,000 within the Sewer Revenue Fund (41506) from the Unallocated Reserve (70697) to the Special Projects Administration Program of the Special Projects Division (70710) for the purpose of funding personnel and non-personnel costs for the remainder of Fiscal Year 1987; exempting said Deputy Director position from the Classified Service and setting a salary rate therefor.

CITY MANAGER REPORT: The Water Utilities Department has initiated plans to create a Special Projects Division to oversee the conversion of the Metropolitan Sewerage System to secondary sewage treatment. This small division is to consist of five new positions, initially staffed through the reassignment of experienced Water Utilities Department employees. The proposed positions of Deputy Director, Senior Civil Engineer, Associate Civil Engineer, Administrative Aide II, and Word Processing Operator are required to provide essential contact and negotiations with various local, State and Federal agencies,

boards, and commissions. Coordinating the efforts of private consultants, design engineers and construction contractors will also be an important function of the new division. Actual environmental studies, public participation, review of alternatives, design, and construction are to be accomplished by private engineering consultants under the division's direction and control. The Deputy Director position will be required to manage this division to provide administrative support, direction and management, from initiation through final completion of secondary treatment projects which could well exceed \$1.5 billion in 1987 dollars. A recommendation to exempt this position from Classified Service was made by the Personnel Department, and approved by the Civil Service Commission at their March 5, 1987 meeting.

Aud. Cert. 8700760.

WU-U-87-135.

NOTE: The first public hearing of the Ordinance was held on Monday April 27, 1987. See Item 201. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C071-075.)

MOTION BY STRUIKSMA TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by Cleator. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-332:

(Continued from the meeting of March 17, 1987, Item 331, at Council Member Ballesteros' request, to allow for Planning Commission hearing and recommendation.)

Rezoning properties designated on Map B-3799.3 from Zone C to Zone C-1, and applying the Pedestrian-Commercial Overlay Zone (PCOZ) to those properties shown on Map B-3841. This overlay zone regulates the placement and character of buildings and parking areas.

The subject property is located generally east of Highway 163, south of Washington Street and Blaine Avenue, west of Park Boulevard, and is bounded on the south by properties fronting on the south side of University Avenue, in the Uptown Community Plan area.

(Case-86-0637. District-8.)

Subitem-A: (O-87-134 Rev.) NOTED AND FILED
Introduction of an Ordinance for C-1 Zoning.

Subitem-B: (O-87-137 Alt. 1) INTRODUCED AS AMENDED, TO BE
ADOPTED MAY 11, 1987

Introduction of an Ordinance for Pedestrian/Commercial
Overlay Zoning.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: E036-F134.)

Hearing began at 2:08 p.m. and halted at 2:57 p.m.

Testimony in favor by Marilyn Mirrasoul and Pat McLaughlin.

Testimony in opposition by Dave Snyder, Ken Paulson, and Pam
Fortino.

Council Member Struiksma left the Chamber at 2:45 p.m.

MOTION BY BALLESTEROS TO NOTE AND FILE THE ORDINANCE TO REZONE
AND TO INTRODUCE AS AMENDED THE PCOZ ORDINANCE, APPLYING THE
PCOZ TO BOTH SIDES OF THE STREET UNTIL APRIL 1, 1988, OR UNTIL
THE SEARS SITE STUDY IS COMPLETED. Second by Gotch. Passed by
the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea,
Jones-not present, Struiksma-not present, Gotch-yea,
McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-333: (R-87-1827) CONTINUED TO MAY 19, 1987, 10:00 A.M.

(Continued from the meeting of March 24, 1987, Item 202, at
Alan Perry's request, to allow the Planning Department to
notify property owners.)

Directing the Subdivision Board and the Planning Commission
when reviewing tentative subdivision maps within the Rancho
Penasquitos Community Plan area, to provide that the
effective date of approval of a tentative map shall be the
date of approval by the City Council of the updated
Penasquitos East Community Plan, which is presently in the
Planning Department work program.

(See the letters from Pat Recame, Secretary of the Rancho
De Los Penasquitos Planning Board dated 2/26/87 and
2/23/87. Penasquitos East Community Area. District-1.)

FILE LOCATION: LAND - Rancho Penasquitos Community Plan

COUNCIL ACTION: (Tape location: F146-290.)

MOTION BY WOLFSHEIMER TO CONTINUE FOR THREE WEEKS TO MAY 19,
1987, FOR RENOTICING THE ALTERNATE RESOLUTION AND TO CONSIDER AT
THE SAME TIME THE MATTER OF PAYMENT OF FEES FOR CAPITAL
FACILITIES WHICH WAS RECENTLY CONSIDERED BY THE T&LU COMMITTEE.
Second by Gotch. Passed by the following vote:
Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present,

Struiksmas-not present, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-334:

(Continued from the meeting of April 7, 1987, Item 334, at Barry Simon's request, to allow for time to resolve problems.)

Two actions relative to the condemnation action to acquire a portion of Siempre Viva Road, TM-85-0851 (Otay International Center):

(See City Manager Report CMR-87-154. Otay Mesa Community Area. District-8.)

Subitem-A: (R-87-1805) ADOPTED AS RESOLUTION R-268242
FINDINGS MUST BE MADE AS A PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego requires the construction, operation and maintenance of a public street and incidents thereto, together with earth excavations or embankments, slope or slope easements, and incidents thereto, in a portion of the Southwest Quarter of Section 36, Township 18 South, Range 1 West, San Bernardino Meridian; and that the public interest, convenience and necessity demand the acquisition of said property interests for the improvement of Siempre Viva Road; declaring the intention of the City to acquire said property under eminent domain proceedings; directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property interests and easements and acquiring immediate possession thereto.

Subitem-B: (R-87-1869) ADOPTED AS RESOLUTION R-268243

Certifying that the information contained in Environmental Negative Declaration END-85-0851, issued in connection with a condemnation action to acquire property interests for right-of-way and slope easement required for the improvement of Siempre Viva Road, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Report has been reviewed and considered by the Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F294-353.)

Hearing began at 3:10 p.m. and halted at 3:14 p.m.

Testimony in opposition by Barry Simons.

MOTION BY BALLESTEROS TO CLOSE THE HEARING AND ADOPT THE RESOLUTIONS. Second by Cleator. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-S500: NOTED AND FILED

(Continued from the meeting of March 17, 1987, Item 336, at Council Member Wolfsheimer's request, to allow interested parties to review the agreement and for proper re-noticing of the item; Continued from the meeting of April 21, 1987, Item 333, due to lack of a quorum.)

Approval of the proposed Mercy Mira Mesa Development Agreement between the City of San Diego and Genstar Development, Inc.

The proposed development agreement would apply to approximately 415.9 acres in the Mira Mesa and Penasquitos East communities. The development agreement is being proposed to meet a condition placed on an approved tentative subdivision map for the property. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute facilities in lieu of payment as required by the public facilities financing plan for the community. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The development agreement would assure the owner that the property could be developed in conformance with the Mira Mesa and Penasquitos East Community Plans; Tentative Map TM-85-0299, Planned Residential Development Permit PRD-85-0299 and Rezoning Case-85-0299; Penasquitos Park View Estates Units 5, 6 and 7 (Final Map Nos. 11657, 11658 and 11659) and Hillside Review Permit HRP-183 and HRP-184; for the 20-year term of the agreement. Additional provisions are included in the draft development agreement.

The property subject to the proposed development agreement is located on the south side of Los Penasquitos Canyon generally between Black Mountain Road and I-15 in the Mira Mesa Community and between Park Village Road and the north side of Los Penasquitos Canyon westerly of Black Mountain Road in the Penasquitos East Community. A brief legal

description is as follows: portions of Parcels 1, 2 and 3, Parcel Map PM-12296; Lots 1-193, Penasquitos Park View Estates Unit 5, Map-11657; and portions of Penasquitos Park View Estates Units 6 and 7, Map-11658 and Map-11659. The specific legal description is on file in the City Planning Department.
(Case-87-0069. Districts-1 and 5.)

Subitem-A: (R-87-1745)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-85-0299 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-87-166)

Introduction of an Ordinance approving the development agreement.

Subitem-C: (R-87-)

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-85-0299.

FILE LOCATION: DEVL - Mercy Mira Mesa Development Agreement

COUNCIL ACTION: (Tape location: C076-140;E013-032.)

Hearing began at 11:13 a.m. and recessed at 11:58 a.m.

Testimony in favor by Alan Perry and Dennis Ainsworth.

Testimony in opposition by Lynn Benn, Dennis Ainsworth, Richard Flanigan, Bryan Larson, Kathleen Zaworski, Alan Dickey, William Gould, Lynn Andren, Leo Wilson, Bob Sauers and Elberta Fleming.

Hearing resumed at 2:05 p.m. and halted at 2:07 p.m.

Council Member Ballesteros entered at 2:06 p.m.

Testimony by Alan Perry.

MOTION BY STRUIKSMA TO NOTE AND FILE THE ITEM BECAUSE OF ALAN PERRY'S DECISION TO WITHDRAW THE OFFER OF THE DEVELOPMENT AGREEMENT. Second by Gotch. Passed by the following vote:

Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

NON DOCKET ITEM:

None.

PUBLIC COMMENT:

ITEM-PC-2: REFERRED TO THE PARK AND RECREATION BOARD,
PLANNING COMMISSION AND CITY MANAGER

Report by Christopher Calkins regarding the Blue Ribbon Bond
Review Task Force.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B441-625.)

MOTION BY GOTCH TO REFER TO THE PARK AND RECREATION BOARD, THE
PLANNING COMMISSION AND THE CITY MANAGER. Second by McCarty.

Passed by the following vote: Wolfsheimer-yea, Cleator-yea,
McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea,
Ballesteros-yea, Mayor O'Connor-yea.

ITEM-PC-3:

Informing the Mayor and City Council of an organization
called L.A.W. (Logical Alternatives Ways), an independent
non-partisan, non-profit, tax-exempt organization
incorporated in the State of California composed of
citizens working together. This coalition was formed to
provide a vehicle for gathering and disseminating
information and to provide constructive, objective
criticism with respect to jobs, housing, missing persons,
and so forth.

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor
O'Connor at 3:17 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F406).